

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

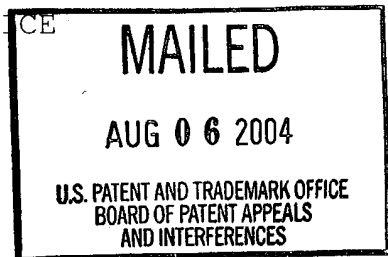
Ex parte DAVID C . FALLSIDE, JOHN B. IBBOTSON  
and ANDREW J. STANFORD-CLARK

Application No. 09/583,479

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on July 20, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Appeal Brief on January 23, 2004. Appellant authorized that the required fee could be charged to the deposit account number 09-0461. It is not apparent from the record that the required fee had been charged to the deposit account number 09-0461.



On January 23, 2004, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003).

According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not initialed or signed by the conferee's as required under MPEP § 1208. The Examiner's Answer needs to be remailed, clearly identifying the names and initials and/or signatures of all the conferee's.

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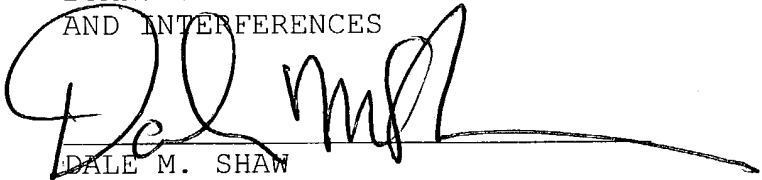
Accordingly, it is

**ORDERED** that the application is returned to the examiner for:

- 1) As authorized by appellant, charge the appropriate fee for Appellant's Appeal Brief to Deposit Account No. 09-0461;
- 2) the Examiner's Answer to be signed by all appropriate parties and forwarded to the appellant; and
- 3) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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